



# United States Department of the Interior

## NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

FEB 25 2011

Re: **Hamilton Hotel, 90 – 98 West Washington Street, Hagerstown, Maryland**  
Project Number: **22653**

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you and \_\_\_\_\_ and \_\_\_\_\_ for meeting with me in Washington on February 11, 2010, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of the Hamilton Hotel is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 5, and 6 of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on December 8, 2010, by TPS is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

Built ca. 1880, the Hamilton Hotel is located in the Hagerstown Downtown Commercial Core Historic District. It was certified as contributing to the significance of the district on November 7, 2008. TPS found that the in-progress rehabilitation of "this certified historic structure" did not meet the Standards for Rehabilitation owing to work undertaken on the third and fourth floors. (Other than the entrance lobby and stairways to the upper floors, no work is planned for the interiors of the first and second floors, which in any case had been substantially modified several years ago by a previous owner.) In this current rehabilitation, historic partition walls, historic plaster, and historic trim have been removed from throughout the two upper floors; additionally, the proposed intent was to leave the brick walls exposed in individual units.

With regard to the historic partition walls that were removed, I agree with TPS that their removal is not a recommended treatment. However, in this case I have determined that the partition walls that were removed, primarily small shared bathrooms between adjacent guest bedrooms, were not character-defining features. Thus, while not a recommended treatment, their removal is not sufficient to cause the overall project to fail to meet the Standards.

With regard to the historic plaster and trim, I agree with TPS that the work proposed in the application and as completed does not meet the Standards 2, 5, and 6. Removing plaster from walls historically finished in this manner to expose the brick walls beneath is a contemporary practice that does not accord with the character of historic buildings in general or of the Hamilton Hotel in particular. Likewise, the

removal of historic trim diminishes the structure's character. As a result, I find that the rehabilitation work does not meet Standards 2, 5, and 6. Standard 2 states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."* Standard 5 states: *"Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."* Standard 6 states: *"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."* Consequently, as completed to date, the work on the Hamilton Hotel does not meet the minimum test for certification, namely, that the rehabilitation maintain the historic character of a "certified historic structure."

At our meeting, however, you explained that you have saved the historic doors, door and window trim, and other trim elements which had been removed, and will reinstall the approximately 75% of the historic trim that can be reused, and will install new trim matching the profiles of the historic trim for the remaining 25%. In addition, you offered to refinish in plaster or wallboard those walls where the brick originally had been proposed to be left exposed. Although the removal of historic plaster and trim damages the historic character of a property and usually causes a project to be denied certification, in this case, I have determined that the corrective work you have proposed, if undertaken successfully, would remedy the deficiencies noted above sufficiently to allow the overall project to meet the minimum test for certification, and permit the completed project to be designated a "certified rehabilitation."

If you choose to proceed with these corrective measures, you may secure certification of the rehabilitation by filling out the enclosed Part 3—Request for Certification of Completed Work and submitting it—with photographs of the completed work—through the Maryland Historical Trust to TPS. Note that this project will remain ineligible for the tax incentives until it is designated a "certified rehabilitation" following completion of the overall project.

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the December 8, 2010, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

Enclosure

cc: SHPO-MD  
IRS